

SELF-DETERMINATION IN EUROPE

Dan IONICA
Ph.D.

ABSTRACT: IN 1975 MULTI-STATELY DEALS ESTABLISHED THE REMAINING OF THE BORDERS IN THE FORM OF THE MOMENT IN EUROPE AND IN THE EURO-ASIAN SPACE. THE FEDERAL RUSSIA RESTRUCTURED AND SPLITTED INTO ITS COMPONENT STATES, RESPECTING THE HISTORICAL BORDERS; GERMANY REUNITED ACCORDING TO THE 1975 HELSINKI AGREEMENT AND CZECHOSLOVAKIA SPLITTED VIA AGREEMENT; IN THE CASE OF YUGOSLAVIA, THE MISUNDERSTANDINGS BETWEEN THE FEDERATION ON ONE HAND AND THE 1991 COUNCIL ON THE OTHER HAND, AS WELL AS THE ENORMOUS PRESSURE FROM THE UK AND FRANCE LED TO THE INDEPENDENCE OF CROATIA AND SLOVENIA.

KEYWORDS: HELSINKY '75, SELF-DETERMINATION, FEDERATIVE STATES

Specialty literature underlines that the right to self-determination was directed against European Empires, building also the frame for American Republics; a second wave of decolonisation and also a global standard coded by the UN Chart.

The National State has more or less harmonious relations with the minorities living on its territory, fact that could lead to conflicts, both internal and international. The European borders become untouchable, in order not to serve as reasons for wars.

During the period between the wars of Napoleon and the Second World War, The United Kingdom had a major part in international order: the idea of an independent Scotland after 300 years of union caused the raise of a direction for the future regarding the states' secession post Helsinki 75.[1] A subject to meditate upon is obvious: even their reasons were different, England for geopolitical reasons and Scotland because of financial difficulties, after more than 300 years, each nation kept its National spirit. The referendum failure in Scotland is a valuable argument not only for maintaining the borders but for the continuation of unitary states, federal or confederates as they are at the moment as well. A good example is the way both British and Scottish consider themselves British, as a possible and probable solution to the succession tendencies inside the European space.

After the French Revolution nationalism becomes a central moral concept, including self-determination; Germany and Italy become nation states, and after that the Habsburgs, the Hohenzollerns, The Romanovs and the Turkish Empire start falling apart into national components-Yugoslavia and Czechoslovakia(with many population mixtures) followed by Poland as a national state. A second such wave appears in 1992, when the communist Russia falls apart into its national constitutive states.

The Westphalia peace brought the concept of international order as a sum of states but the concept of power-of powerful state-making rules for the functioning of the respective system, as a result of a war and based on its own interest.

After the Second World War a new international world order is established, based on new central institutions and principles: The UNO Organisation, The International Monetary Fund, and The World Bank. The post-war period transforms into a cold war governed by the rules established at the end of the war.

After the war some states are destructured, contradicting the course of the international world change, demanding for a war in order to avoid the splitting of a federal state into its component states, as it was the case of The Austro-Hungarian Empire and The Turkish Empire after the First World War.

Redesigning borders allows for some influence spheres, that's in a new world order one shall face some of the challenges from the old order, as seen in the case of former Russia, the two German states or Czechoslovakia.

In 1975 multi-stately deals established the remaining of the borders in the form of the moment in Europe and in the Euro-Asian space. The Federal Russia restructured and splitted into its component states, respecting the historical borders; Germany reunited according to the 1975 Helsinki Agreement and Czechoslovakia splitted via agreement; in the case of Yugoslavia, the misunderstandings between the Federation on one hand and the 1991 Council on the other hand, as well as the enormous pressure from The UK and France led to the independence of Croatia and Slovenia. After a war and the American intervention, Bosnia also becomes independent.[2]

The principle of nationalities (the states' territories must match the linguistic boundaries), established in the XVIIIth century and sustained by Napoleon the 3rd and The Versailles Treaty in 1919, also confirmed by the splitting of The Russian federation in 1991[3], although attacked from many directions, continues to remain a fundament of the international law.

There are other regions with similar problems: the Kurdish problem in Turkey, Iraq, the troubles in Syria and Lebanon. The secession movements as a challenge to the safety of national states can occur in other states: the Kurdish movement in Turkey, in Iraq, Syria and Lebanon. The problems in China are not so stringent as those in Tibet[4], especially from a geopolitical point of view; the continuous pressure for the self-determination of Tibet exercised by about 200.000 Tibetans led by Dalai Lama, the spiritual leader of Tibet, now in exile, is one of the reasons for tensions between china and Tibet.[5]

The European Parliament and its External Policy Committee asked those who don't recognise Kosovo to hurry up to a common decision, encouraging Serbia to have normal relations with Kosovo.

There are different ways to approach the secession issue, depending on the divergent interests, thus, the necessity to compare the semnification of the classical principles of international law with modifications in attitude.

The European Community established by the Declaration upon the guiding lines regarding the recognition of the new states in Europe in December 1991[6] the approach method for the new states.[7]

The self determination principle does not mention the subject of this right, but states *inter alia*, territorial *limits are not to be attacked; they can be modified by peaceful, mutual agreements*”.

CHECHNYA

In 1991, while Soviet Russia was falling apart, the govern proclaims independence under the name of The Chechnya Republic of Ickier, not recognised by anyone until 2005.[8]

On 6th of September 1991, The Chechnya Congress Party, led by Djohar Dudaev, attacked the Parliament of The Cecen-Ingus Republic, kill the president of the communist party from Groznyy, Vitali Kuțenko, and dissolve the respective republic. This and the fact that Chechnya had no constitutional right to secession,[9] led to an armed conflict. The pro-Russian officials pretend that, since 1994, more than 200 000 people were killed in Chechnya, including 20 000 children. Rebel sources pretend that federal forces killed more than 250 000 people, of which 42 000 children. These data were not confirmed by independent sources. According to the official sources, the Chechens in Russia were 1.360.253 people in 2002 (in 1989 – 898.999 people).[10]

Since 1990, there is a civil war in Chechnya[11] involving the pro-Russian authorities and the separatists, for complicated reasons. It seems that Russia refuses Chechnya's right to leave the Russian Federation in order to prevent other states to do the same and for economical reasons : Chechnya is rich in petrol, therefore a third party might become interested should the war be prolonged.[12]

On 5th of October 2003, Ahmad Kadîrov is elected president with 83% votes. The OSCE observers reported many incidents during the vote, together with preventing the independent parties to take part in the voting process and actions intended to intimidate and influence people voting; all those from the Russian soldiers. Rudnick Dudaev is the Chief of the Chechen Security Council, and Anatoly Popov is the Prime-Minister.

On 9th of May 2004, Kadîrov is killed on a football stadium in Groznyy by an explosive device placed under the VIP seats during a military parade. Serghei Abramov takes the lead after the incident.

On 29th of August 2004, new Presidential elections are held. Alu Alhanov, ex minister for the internal affairs is elected with about 74% of the votes. The voting presence was 85.2%[13]. Kadîrov's son, Ramzan Kadîrov, is the first vice prime-minister. Some think he tried to take the lead after his father, only he did not have the legal age according to the Constitution, for he was fewer than thirty.[14]

At the same time there is a self-proclaimed separatist govern, not validated by any state, though some of its members received asylum in some European or Arab countries, or in The USA.[15] The President was Aslan Mashadov and the minister for external affairs and spokesman was Ilias Ahmadov Ilias Ahmadov still lives as an asylant in The USA. Aslan Mashadov was elected president for four years in 1997, in a moment when the separatists were the main political force. He decreed in 2001 the extension of his mandate with a year, but was unable to participate to the elections in 2003, for Russians prevented separatist parties to take part in elections and the president had to face allegations of terrorist activities. Mashadov left Groznyy, taking refuge in an area controlled by the rebels, but failed in getting their hlep and his influence faded slowly. Trying to delineate from Șamil Basaev, Mashadov denounced the Beslan attack from 8th of March 2005.[16]

Giving up Chechnya would create a dangerous precedent on multiple plans.[17] If losing Chechnya would create a domino effect from the territorial point of view, this rule might apply to the terrorist experience. Having a terrorist danger inside turned into an advantage. On behalf of the national security, the chief of state could increase his powers

and could manage with his own hand, the destinies of the regions that are far from Moscow. Chechnya declared its independence in November 1991, but the Russian president Boris Elțan waited till 1994, when he sent the army to re-establish Moscow's authority. The first war ended in 1996, Russians being defeated.

On 1st of October 1999, Vladimir Putin (prime-minister at the time), launched an offensive, covered as anti-terrorist operation. The reason was the bomb attacks of some apartments in Moscow and in some other cities in Russia, for which Russians blamed the Chechen separatists. A little earlier, in Daghestan, the Chechen separatists helped in the attempt to create a new Islamic state. Most people are not interested in peace stability in the Republic[18]. The separatist guerrillas wish for independence or at least autonomy, which they almost got after 1996. When Russians left the country, the Chechens elected their first president, Aslan Mashadov, ex Russian artillery officer, the main Chechen military leader during the war. According to the peace agreement[19] negotiated with Moscow, the final decision regarding Chechnya's status was placed on hold for five years, but Mashadov could not control some of the most radical commandants, so Chechnya fell rapidly in anarchy. One of these officers was Arbi Baraiev, who helped planning many kidnaps. The first war in Chechnya, started in December 1994, destroyed the capital, Groznâi. The Russian army, attacking from the air and on the ground, killed thousands of both Chechens and Russian ethnics. Two years later, Russian left and one of the separatist leaders - Aslan Mashadov- took the lead, but didn't succeed in ordering the country. The centre - namely Moscow - didn't hurry to invest in re-building Chechnya. Mashadov was unable to maintain order; there were many crimes and kidnaps.

Many radicals- some trained in Afghan training sites - started to arrive in Chechnya. After a rebellion in Daghestan, also a part of the Russian Federation and after some explosions in Moscow, there started the second war in Chechnya - a war that helped Vladimir Putin to get to power and which initially was supposed to be a campaign against radicals. Humanitarian organisation says that the Russian Army terrorised civilians: night raids, torture, rapes, and executions; these allegations are of course, rejected by Russians and their Western allies.

In 2002, OSCE had six officials in Chechnya in a group called The Assistance Group[20], to report upon human rights and promote a policy to solve the conflicts and grant assistance to the refugees'.[21] The six observers were "kept" by Russians in a small town without access to the conflict zones and prevented from noticing the crimes committed by the Russian soldiers[22].

The presence of OSCE - The Assistance Group (AG) of OSCE at Znamenskoe, Chechnya - leaves the region in 1998, for security reasons, and relocates in Moscow.

The group's return was possible due to the efforts taken by Russian authorities to ensure security for the group members. The activity of AG will help improve the situation post conflict and facilitate the political dialogue between the parties. The mission's mandate, approved in April 1995, stipulates respect for human rights and life, humanitarian assistance, the return of the refugees, developing democratic institutions, dialogue and consultations in order to find peaceful solutions to solve the crisis while respecting the territorial integrity of the Russian Federation and OSCE principles.[23].

At the beginning of 2003, dissatisfied with the "mission" OSCE in Chechnya, Moscow ordered the evacuation of AG. In order not to destroy chances for their work in other aspects, Hoop Schaffer's team decided not to protest that time[24].

The constitutional vote in march 2003 and the Presidential elections in October 2003 in Chechnya were "games" arranged by Moscow; the fact that OSCE was not allowed to have observers at those events resulted in no critics upon these events.

The Assistance Group had a mandate till the end of December 2002, because the 55 states taking part were unable to come to an agreement upon the mission's extension. The mission was closed on 21st of March 2003. The OSCE officials capitulated to Russia and accepted Moscow's pretences about the instability cores in Georgia, Moldavia, Chechnya and Belarus. In addition, at Porto, they approved Russia's breaking of the CFE Treaty, facts re-affirmed next year at Maastricht. Russia gave nothing in return and announced arrogantly its objectives regarding the correction and expansion of the falling apart of the former empire. Kremlin does not want for OSCE to disappear, on the contrary; it wishes to incapacitate this organisation and to control it in order to legitimate its own actions.

KOSOVO

Kosovo used to be autonomous until the beginning of 1990s, then Serbia was called in Paris for discussions in March and in 1999 NATO intervention followed. After eight years, gaining statal attributes, Kosovo became independent. The changes in real life and the political configuration put pressure on the law system.

Applying the self-determination principle -a component of the principles' international law system-specific to people brings major pressures in order to be applied to minorities also. On the other hand, the situation in which the minority becomes majority inside of a limited space of a state, and later on the problem of applying the principle is restricted to the respective area, is also a very complex situation. A new term is forwarded for the distinct population of the respective space looking for self-determination, based on the principles of international law, and therefore statality is obtained by the population of the respective state.[25]

International law considers at all times the political reality and the recognition of a province as a statal entity is already a common thing. The distinction between individual and common rights is clearly defined within the UE.

Promoting statality is taking specific steps, starting with forms of autonomy more and more extended towards more and more domains, towards statality and sovereignty- the main elements are the territory, the population and the political organization.

In Europe, after 1975, the territorial *status-quo* cannot be questioned.

After the Cold War the focus is on the attributes regarding the population. Minorities' rights are individual rights and the exact formula is that of the rights of the people belonging to national minorities. Somebody belonging to a minority needs, apart from the basic rights that every citizen has, some extra rights regarding his cultural and ethnical identity, etc. These rights are respected everywhere on the territory of the state. Talking about the rights of a minority means that the respective minority is settled on a certain space; the references are made to the space occupied by the respective minority - from here the gradualism of autonomy in different variants, leading towards statality. From a principia point of view, specialty literature presents some reserves about the possibility to create some premises for precedents in the field of international law.[26]

On 17th of February 2008 when Kosovo became independent, strong controversies appeared inside the EU about both the theoretical and the practical international law in regard with the self-determination concept.[27]

The arguments pro-independence: the long oppression of the Albanese minority in Kosovo; the intransigence of the parties involved in conflict and their maximal pretences; the international context shaped by the parties in the interior of the EU; the USA's position and Belgrade's refusal supported by Russia of a resolution of the Security Council. The Europeans were evasive, the USA was definitely for the independence, and Serbia was willing to negotiate but did not admit independence.[28] Russia's opposition was in vain.[29]

The Kosovo case is an example of applied international law when it comes about self-determination, together with the Bangladesh moment in the colonial world, to justify "the secession as a remedy". With Abkhazia and Ossetia the accent fell on a secondary matter, meaning their independence was not recognised as derived from the self-determination right. Many states consider the right to self-determination a violation of international law, and launched a debate about its consequences.

The International Court of Justice issued a summons which created debate, for the decision, after all, does not refer to gaining independence; the judges avoided carefully the most problematic issues.

Anyway, these realities that can be found everywhere after all, not only in our region, raise the same problem like when a child is born: one can no longer deny a certain reality. If the child is born in a legitimate family, or if the child is the result of a love affair between some political powers and a certain geographical area.

Covering for the imperfections in the international law of secession by accepting the political reality due to the pressure exercised by an international organisation - discussions, negotiations- directed towards agreement and recognition, the new reality does not contradict the 1975 Helsinki frame. On the other hand, the Kosovo precedent is cited for the situations in Caucaz, and for the re-writing of Helsinki.

CRIMEA

In 1991, Ukraine's obtained a nuclear status, due to Russia's nuclear strategy- that is it obtained only the weapons, without control and this was a good signal for non-proliferation of nuclear weapons by countries such as Russia, The USA and The UK. In 1994, Russia, and The UK sign a memorandum on this issue.[30]

On 5th of March 2014, The USA, The UK and Ukraine confirm the memorandum while Russia doesn't take part in the meeting, accusing the Ukrainian government of a coup d'état.[31]

Specialists have different opinions: some consider the memorandum's violation *casus belli* (a reason for war), others consider the memorandum is not viable: „*it lacks in means of enforcement.* “

Sanctioning the memorandum's decision, it was mentioned that it would cause such violence, that any normal human mind would refuse. Crimea is pro-Russia mainly; it shelters Russian military facilities that are strategically significant to The Black Sea.[32] Should one compare Russian military facilities in Crimea with those of NATO in Kosovo, one could notice easily the differences in the starting points.[33]

The breaking of civil violence in Ukraine,[34] the development of disorder[35] within the frame of a chronic economical debility[36] with different perspectives upon the going on events that caused the replacement of the president by unconstitutional means had the support of western states and of The USA.[37]

Talking about the situation in Ukraine, the Russian and the German leaders concluded that Kremlin defended Russian interests against "the ultranationalist forces" in Ukraine. Putin declared that Russian citizens in Crimea were threatened and his actions were, up to that point, adequate.[38]

China expressed concern towards the situation in Ukraine and asked for talks to solve it.[39]

On the other hand NATO declared: "Russia must stop its actions in Ukraine. We respect the integrity of the Ukrainian people. We appeal to Kiev authorities to protect their citizens and priorities. Ukraine is a NATO partner. We ask all our partners to continue their efforts to get out of the crises and demand Russia to solve the situation. "[40]

President Barrack Obama told Vladimir Putin he broke the international law by sending troops in Ukraine, asking Putin to retreat his troops from Crimea. The Russian president said that Moscow reserves the right to maintain its interests and protect the lives of the Russian ethnics in Ukraine.[41]

SCOTLAND

The Scottish political movement for independence as expression of self-determination has profound significations. Within the frame of consequently respecting the sanctity of borders in order to avoid conflicts in Europe, the efforts for European integration are centered on respecting the rights of the individuals belonging to minority groups. An independent Scotland could not have entered in The EU using the pound without a formal monetary agreement or its own central bank.[42]

Nevertheless there is an European secessionist trend: the Catalan province in Spain, the separation tendencies between the Walloons and Flamands in Belgium, the eastern part of Poland, being at the time part of Ukraine and Belarus, the tensions between North and South in Italy; the Greek and Turkish minorities in Cyprus.[43]

Among the recent cases of complicated situations based on self-determination can be named: Ireland with North Ireland with long periods of violence and many victims.

Multiculturalism and Europeanism have reactivated nationalism in Europe and in former European colonies, especially after the Kosovo and Crimea episodes; Scotland's secession would have caused unimaginable effects for the European borders, legitimating the existing secessionist movements.[44]

The Scottish referendum has thrown away secessionism, blocking for at least one generation any discussions on this topic.

The situation in which limited groups inside of a state wish to decide for self-governing are expressions of the self-determination phenomenon even if they seem to be expressions of fragmenting during the process of transition to a new world order.[45]

CONCLUSIONS

Eliminating self-determination precedents impose the return to the principle of respecting the international borders, according to Helsinki 75 and finding solutions oriented to stability. It is debatable to adopt a new vision of international legitimacy to include the principle of "secession as a remedy" as the crown of self-determination because attacking the territorial integrity of the states is attacking the international order itself.[46]

Giving up the frame offered by the international law by moral motivations can be viewed as an interest in conflicts of self-determination, for the sake of having conflicts to manage.[47]

The Kosovo precedent turned the Serbian citizens into a minority in their own country, fact for which there were two solutions: first, to ask for secession from the secessionist republic, based on the so-called "secession as a remedy"-refused by the international community, and the second: the application in certain terms and an international monitorisation on an indefinite period of time.[48] The Kosovo case is cited often by those think the secession as the only way to solve self-determination conflicts.[49]

This is a very dangerous path to follow.[50]

Preventing disorders and effects difficult to estimate regarding self-determination is done by diplomacy and procedures of international institutions, considering the continental integration processes and the lessons learned. It is obvious that self-determination by changing borders is not the correct way to deal the continental integration processes; the solution is to be found via continental mega processes .[51]

Developing the international law towards the relevance of the independence via secession by a number of states is not a solution for the future.[52] It is obvious that borders and their historical importance are not to be touched, in order not to cause chaos. Altering statal borders is possible only constitutionally and legally and minorities' problems are to be treated as sovereignty issues.[53]

A special case is represented by the development of the principle of non-interference with the internal affairs of a state during the mega processes of continental integration, but the fundamentals of a democratic states offer internal and international standards for the political decident and the institutions. There are many questions with multiple answers: who is entitled to self-determination and when; how to get its sovereignty; when one entity entitled to secession and independence is; when and how are other states to admit an entity as independent and sovereign.[54]

Involving the international community into internal conflicts of some states put pressure on the concept of state's sovereignty by allowing international organisations to intervene with humanitarian actions as well as with R2P actions (Responsability to Protect).[55] R2P is an obvious limitation of state sovereignty as the basic principle for the international order, presented as a "Trojan horse". [56]

Secession - except for decolonisation is not acceptable due to its severe international consequences.[57] There are some unclear aspects regarding this process: how, when and where can international organisations or state groups interfere in the internal affairs of other states, and to what extent can they intervene. There is not secession in the case of the Baltic States born from the ex-Russia.

A clear case is the forming of Cekhia and Slovakia, when all conditions asked for the breaking of a federation were accomplished.

In 1992, The Security Council observes the breaking of The Federal republic of Yugoslavia.[58]

In 1993, Eritrea becomes independent from Ethiopia, by means of a referendum supervised by UNO .creating the new state implies not only upon the territory, but also regionally and globally, being more than a self-determination conflict, because its population was not homogeneous, and minorities asked for protection and human rights respect at international standards, a fact that doesn't necessarily ean stability.[59]

In 2002, The East Timor becomes independent from Indonesia, also under UNO supervision. In the cases of Sudan, East Timor, Eritrea and Bangladesh the separation is accepted by the mother-states; more than that, the East Timor and Eritrea were colonies and later were parts of Indonesia and Ethiopia.[60] The consequences of these precedents can be taken under consideration later on, in the case of Crimea, once a part of Russia than given to the Ukraine by administrative decision. Once the de-colonisation epoch ended, the international practise has blocked the acceptance of the self-determination of least other 12 new states.[61]

Self-determination, as described in UNO Chart[62] allowed during the de-colonisation the appearance of new states from the British, french and Portuguese Empires, the new states becoming the fundament of the international system.[63]

The ethnical movements could result in national states due to the legitimacy given by The UNO Chart; at the same time the frame provided by UNO blocked the appearance of new states in the absence of de-colonisation, to protect the territorial status-quo of the states as a fundament for peace and stability.[64] The territorial integrity comes before self-determination even in de-colonisation: thus the failure in the secession of Katanga province from Congo, of Biafra from Nigeria, of Bangladesh from Pakistan-the latter benefitted from Pakistan's later respecting its independence.[65] In Bosnia, security international bodies stopped via military interventions the *de facto* splitting of the republic, as resulted after the war, sustaining its unity.

In order to prevent movements of self-determination post de-colonisation era, the international community has developed a system of special individual rights for the minorities of a state and procedures to observe these, as well as a large set of international sanctions for their breaking of. After de-colonisation, all attempts to use the self-determination principle - except for west Sahara-Morocco- were blocked; some cases that were discussed were directed towards internal autonomy, participation in politics, but with respect for territorial integrity and international borders.[66]

The dialog between the classical theory of self-determination as a remedy promoted by a group of American theoreticians – Weller M.[67], Jaber T.[68], Sterio M.[69], Roth B.R.[70], Muharremi R.[71], based on Kosovo case showed that no exceptions from the classical theory are accepted - except those cases of ethnical purification. Special attention could be given to ethnical purification cases, but even such a situation cannot justify self - determination as procedure.

In 2008, following the Georgian-Russian war the two secessionists entities Abkhazia and South Ossetia are recognised by Russian based on the Kosovo precedent via the "Geneva process" during which Medvedev and Sarkozy established the peace principles in Georgia.[72]

Although NATO says that Kosovo is a "sui-generis" example, Russia sustains the secession as a universal principle within The UN Procedures according to the international law and the mutual imposed solutions versus imposed solutions.[73]

The range of self-determination movements, born out of interests that are obscure and refractory to the continental integration frame, respecting standards and modern reglementing procedures for the protection of people's rights is a source of instability, crises and violence. On a superior level, they attract sanctions and even international interventions that, at their turn, affect the international system.[74]

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grade of heterogeneity within the population in the different republics. It's the central power that keeps this conglomerate united. A problem with one republic could result into a stimulent for others giving the fact that today independence is like a drug for all small countries, not only Daghestan and Ingusetia, in the neighbourhood of Chechnya. In addition, many of the Russia's neighbours might be tempted by a redistribution of their territories; Japan wishing to take The Kurile islands is not the only case. see, Paul Nistor, "Despre Cecenia", ROST, No.20, octombrie 2004 <http://www.romfest.org/rost/oct2004/>.

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- [23]. The Chief of the Assistance Group is Alexandru Cornea, ex Romanian Ambassador at Kiev. Romania was among the first countries to validate The Ukraine as an independent state and established relations with this country in 1992, establishing an Embassy here, replacing the Consulate in existence since 1971. Starting 7th of February 2000, the Extraordinary and Plenipotentiary Ambassador of Romania in The Ukraine was Alexandru Cornea.
- [24]. The OSCE leader, the Foreign Minister Jaap de Hoop Schaffer, expressed regret that no agreement was reached regarding the mandate of the extension of The OSCE Assistance Group for Chechnya, due to the Russian proposals to include major changes in the mission's mandate. „*It is important for The OSCE to be actively present in Chechnya with a permissive mandate.*” said Schaffer. He intended to discuss these matters and others very stringent as well, with his Russian counter-part, The Foreign Minister Igor Ivanov. „*During the last years, The OSCE mission worked in favour of Chechnya, most of the time under difficult conditions. „If The OSCE can continue its activity in Chechnya, in such a manner so as to be accepted by both parties involved, this thing would contribute to reduce instability, insecurity and criminality in this country.*”
- [25]. George Friedman, *The Origins and Implications of the Scottish Referendum*, Stratford, September 16, 2014.
- [26]. The positions regarding Kosovo are very clear, definitive: „*Romania will not validate Kosovo's independence*”; „*We will never recognize independent Kosovo. No plans to recognize Kosovo*”; *The USA's attitude towards Kosovo is comparable to what Russia did in 1968 to Czechoslovakia*”; „*The President boycotts the Warsaw Summit because Poland decided to invite an entity unrecgnised as a state.*” *Kosovo – principles against pragmatism*, Titulescu European Foundation – The Centre of Strategic Studies, 19 iunie 2013.
- [27]. Stefan Wolff & Annemarie Peen Rodt (2013) ”Self-Determination after Kosovo”, *Europe-Asia Studies*, 65:5, 799-822.
- [28]. Madeleine Albright, the US Secretary of State, explicitly stated in October 1998, ‘We have made it clear to Milosevic and Kosovars that we do not support independence for Kosovo, that we want

- Serbia out of Kosovo, not Kosovo out of Serbia’. ‘In Balkans Again, Promises, Promises’, New York Times, 14 October 1998, available at: <http://www.nytimes.com/1998/10/14/world/conflict-in-the-balkans-news-analysis-in-balkans-again-promises-promises.html>, accessed 1 September 2014. See also, Ker-Lindsay, J. *Kosovo: The Path to Contested Statehood in the Balkans*, London, I.B. Tauris.
- [29]. United Nations Secretary-General (2007) Comprehensive Proposal for the Kosovo Status Settlement. Addendum to the Letter dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council (New York, United Nations Security Council).
- [30]. On 5 decembrie 1994, by a series of protocols known as *The Budapest Memorandum*, The USA, Russia, and The UK, committed to „respect independence, sovereignty and the existing Ukrainian frontiers ...” re-affirming „the obligation to refrain from threats or the use of power against The Ukraine's territorial integrity or independence ... Except for self defence or according to The UN Chart “.
- [31]. Ion Vianu, *Ucraina, Între `Pacta sunt servanda` și Realpolitik*, martie 2014.
- [32]. Russia has a secular imperialist agenda, to get closer to the straits of the Black Sea. It is well known what happened to Basarabia; that's why a prestigious politologist as Z. Brzezinski warned that, in the case of the acceptance of Crimea's annexation we are to face an expansion of „ the reserved domain “, in the first place in The Republic of Moldavia and in Poand.
- [33]. NATO has bases in Kosovo, same as Russia has in Crimea. The argument is valid, but deatable: the ex State-Secretary Madeleine Albright considers that Kosovo's independence took place in the context of some major re-arrangements within the ex-Yugoslavia and does not have the same meaning. It's a subtle explanation, but the bases in Kosovo still exist, after so many years since the end of the war.
- [34]. "The regime took actions against citizens. Tens of people were killed and hundreds were injured in Kiev and the neighbour areas. The Executive Committee of the Regional Council in Liov took responsibility for the fate of the region and its people. ", is shown in a communicate of the authorities.. Consuela Stratulat, *Proteste în Ucraina. Au fost găsite jumătate din armele dispărute în Liov*, Cotidianul, 20.02.2014,.
- [35]. Aproximativ 1.000 de oameni au ieșit pe străzile din Sevastopol, după ce administrația locală a refuzat să recunoască alegerea lui Aleksey Chalykh ca reprezentantul orașului de către o mulțime de manifestanți pro-Rusia. Consuela Stratulat, *Proteste în Ucraina. Mai mulți guvernatori de regiuni au demisionat*, Cotidianul, 24.02.2014.
- [36]. "I can say I appealed to our international friends for a loan in one or two weeks. The acro-financial assistance for The Ukraine is about \$35 blds in 2014 – 2015,” the Finance Ministry, Yury Kolobov. The Ministry struggles to maintain the financial stability if The Ukraine. Consuela Stratulat, *Proteste în Ucraina. Mai mulți guvernatori de regiuni au demisionat*, Cotidianul, 24.02.2014.
- [37]. A telephone conversation between The EU's Foreign Ministry Catherine Ashton, and the Estonian Foreign Ministry Urmas Paet, reveals a shocking fact: it was not Ianukovici who ordered the shooting of the manifestants in Kiev on Feb the 21st; it's not the Berkut troops to be blamed for the death of 94 de and the injury of more than 900 people, but the people at power in Kiev, who hired mercenaries to justify the coup d'état. Apollon Cristodulo, *Uriașa manipulare a istoriei. Catherine Ashton, aflând despre faptul că liderii revoluționarilor Maidanului de la Kiev au angajat asasinii cu lunetă: „Doamne Dumnezeu!”*, Ziuu, 06.03.2014.
- [38]. Consuela Stratulat, *Putin a vorbit la telefon cu Angela Merkel: Acțiunile noastre în Ucraina sunt îndreptățite*, Cotidianul, 2.03.2014.
- [39]. The spokesman for the External Affairs Ministry Qin Gang, declared his coutry remained at the principle of non-inerferring in the internal affairs of another country and respects The Ukraine's independence and territory.
- [40]. NATO's Secretary General Anders Fogh Rasmussen, before NATO countries ambassadors' meeting on The Ukraine case.
- [41]. The American President told Putin his actions "breake the international law, including Russia's obligations established by the UNO Chart and the Miliary Agreement withThe Ukraine, from 1997. "
- [42]. Iordăchescu Ionuț, *Scoția, independentă. Aderarea la euro, imposibilă fără voia Angliei*, Cotidianul, 3 septembrie 2014.

- [43]. George Friedman, *The Origins and Implications of the Scottish Referendum*, Stratfor, September 16, 2014.
- [44]. See also, James Ker-Lindsay (2013) Preventing the Emergence of Self-Determination as a Norm of Secession: An Assessment of the Kosovo ‘Unique Case’ Argument, *Europe-Asia Studies*, 65:5, 837-856.
- [45]. Spyros Economides (2013) Kosovo, Self-Determination and the International Order, *Europe-Asia Studies*, 65:5, 823-836.
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- [48]. Weller, M. (2009) *Contested Statehood. Kosovo’s Struggle for Independence* (Oxford, Oxford University Press).
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- [51]. ‘You have the principle of territorial integrity. You also have the principle of selfdetermination. There are times when those principles are in tension with one another, and the principle of territorial integrity is qualified by the principle of self-determination’. 1 ‘Media Stakeout: Informal Comments to the media by the Permanent Representative of the United Kingdom, Ambassador Sir John Sawers KCMG, on the Situation in Kosovo and other Matters’, Webcast, UN Website, 19 December 2007.
- [52]. Sixty-eighth General Assembly, 80th Meeting (AM), General Assembly Adopts Resolution Calling upon States Not To Recognize Changes in Status of Crimea Region. 100 Votes in Favour, 11 against, 58 Abstentions for Text on Ukraine
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- [60]. James Ker-Lindsay (2013) Preventing the Emergence of Self-Determination as a Norm of Secession: An Assessment of the Kosovo ‘Unique Case’ Argument, *Europe-Asia Studies*, 65:5, p. 839.
- [61]. ‘This practice has not changed since 1989, despite the emergence during that period of 22 new states. On the contrary, the practice has been powerfully reinforced’. Although some have called for the right to self-determination leading to independence to be extended beyond the colonial states,¹² this has not been accepted by states. Crawford, J. A. (1997) ‘State Practice and International Law in Relation to Unilateral Secession’, in Bayefsky, A. F. (2000) *Self-Determination in International Law: Quebec and Lessons Learned*, The Hague, Kluwer Law International, p. 114.

- [62]. According to Article 1 of its Charter, one of the purposes of the UN is ‘to develop friendly relations among nations based on respect for the principle of equal rights and selfdetermination of peoples’ (Charter of United Nations, 1945). United Nations (1945) Charter of the United Nations, available at: <http://www.un.org/en/documents/charter/index.shtml>, accessed 3 September 2014.
- [63]. Wimmer, A. & Feinstein, Y. (2010) ‘The Rise of the Nation-State across the World, 1816 to 2001’, *American Sociological Review*, 75, 5, pp. 764–90.
- [64]. The self-determination principle was formulated by the American president Woodrow Wilson at the end of the 1WW and is excluded from the Nations' Society that thinks that on the contrary, "colonization has a sacred mission" and stipulates in the first paragraph of art.22 from The Nations' Society Pact that there are „people yet unable to lead themselves given the very difficult conditions of the modern world”. UNO's Resolution 1514 from 14 December 1960 is in favour of self-determination. Weller, M. & Metzger, B. (eds) (2008) *Settling Self-Determination Disputes: Complex Power Sharing in Theory and Practice* (Leiden & Boston, MA, Martinus Nijhoff Publishers).
- [65]. In 1930, Manchuria's independence was not recognised by the Americans- that is the acceptance of a territory's independence after an aggression. Article 2, Paragraph 4, of the Charter of the United Nations provides that: ‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations’. See also, The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which was agreed by the UN General Assembly in 1970. See also, The Universal Declaration on Human Rights of 1948, The Anti-Colonial Declaration of 1960 and Helsinki Declaration 1975.
- [66]. Based on the interpretation of UN General Assembly Resolution 1514(XV) (United Nations General Assembly 1960), decolonisation in this context refers to the establishment of independent statehood for territories inhabited by peoples in Africa, Asia and the Caribbean, who were physically separated by oceans (hence ‘salt water’) from their respective colonial powers.
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- [70]. Roth, B. R. (2011) ‘New Developments in Public International Law: Statehood, Self-Determination, and Secession Roundtable’, *NTU Law Review*, 6, 2, pp. 639–72.
- [71]. Muharremi, R. (2008) ‘Kosovo’s Declaration of Independence: Self-Determination and Sovereignty Revisited. Special Issue: Kosovo’, *Review of Central and Eastern European Law*, 33, 4, pp. 401–35.
- [72]. ‘From now on’, Medvedev declared, ‘dialogue with Sukhumi and Tskhinvali can take place only as with separate entities under international law’. Nicolas Sarkozy stated that ‘we believe that Russia should not have unilaterally recognised the independence of Abkhazia and South Ossetia. There are international rules which have to be followed. If the international talks are to begin in Geneva, it means there is something to discuss’. Medvedev stated that the recognitions were ‘final and irreversible. Our decision is irrevocable. The act of recognition was performed according to international law’ and ‘the matter is closed.’ Medvedev, D. (2008) ‘Press Conference following Talks with President of France Nicolas Sarkozy, 8 September 2008, Maiendorf Castle, Moscow Region’, available at: <http://archive.kremlin.ru/eng/>. Accessed 14 September 2014.
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